

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING FOAMS  
PRODUCTS LIABILITY LITIGATION

MDL No. 2:18-mn-2873-RMG

STATE OF NEW MEXICO, *et al.*

*Plaintiffs,*

-vs-

UNITED STATES OF AMERICA, *et al.*

*Defendants.*

**This Document Relates to:  
No. 20-cv-02115-RMG**

**THIRD CONSENT MOTION TO EXTEND RESPONSE DEADLINE**

Pursuant to local rule 6.01, Defendants United States of America, United States Air Force, and United States Army (“United States”) hereby move for a third 30-day extension of time from September 8, 2025 to October 8, 2025 to respond to State of New Mexico, New Mexico Environment Department, and New Mexico Office of Natural Resources’ (“New Mexico”) Motion for Partial Summary Judgment, Dkt. No. 7420. New Mexico consents to this motion. In support, the United States asserts the following:

1. On June 25, 2025, New Mexico moved for partial summary judgment as to the United States’ Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) liability under Fed. R. Civ. P. 56. *See* Dkt. No. 7420. The United States’ initial response deadline to Plaintiffs’ motion was July 9, 2025. *See id.*
2. On July 3, 2025, the United States moved for a 30-day extension to the United States’ July 9, 2025 deadline, until August 8, 2025, to respond to New Mexico’s motion for partial summary judgment. *See* Dkt. No. 7477. New Mexico consented to the United

States' motion. *See id.* On July 7, 2025, the Court granted the United States' motion and extended the United States' response deadline to August 8, 2025. *See* Dkt. No. 7484.

3. On August 5, 2025, with New Mexico's consent, the United States moved for a second 30-day extension to the United States' August 8, 2025 deadline, to respond to New Mexico's motion for partial summary judgment. *See* Dkt. No. 7730. On August 8, 2025, the Court granted the United States' motion and extended the United States' response deadline to September 8, 2025. *See* Dkt. No. 7749.
4. Good cause exists to extend the United States' deadline because the United States and New Mexico have agreed in principle to engage in mediation to potentially resolve the claims in New Mexico's motion. A third short extension of the United States' response deadline would allow time for the parties to pursue mediation.
5. On September 5, 2025, Plaintiffs agreed to extend the United States' September 8, 2025 response deadline by 30 days until October 8, 2025.
6. If granted, this would be the third extension of the United States' response deadline.
7. The United States does not expect that this proposed extension will impact any other deadlines here.

For these reasons, the United States requests that the Court grant this motion and extend the United States' response deadline by 30 days to October 8, 2025.

Date: October 8, 2025

Respectfully submitted,

ADAM R.F. GUSTAFSON  
ACTING ASSISTANT ATTORNEY GENERAL  
Environment & Natural Resources Division

/s/ Shari M. Howard

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to all known counsel of record.

/s/ Shari M. Howard

Shari M. Howard  
Trial Attorney